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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/660,292 | 09/11/2003 | Jerry Walter Malcolm | AUS920030222US1 | 5391 |
| 46073 | 7590 | 08/25/2006 | EXAMINER | |
| IBM CORPORATION (VE) C/O VOLEL EMILE P. O. BOX 162485 AUSTIN, TX 78716 | | | JONES, ANDREA N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2193 | |

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,292

Applicant(s)

MALCOLM ET AL.

Examiner

Andrea N. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>09/11/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-9, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sengstack (Sams Teach Yourself Adobe Premiere 6.5 in 24 Hours).

As to claim 1, Sengstack discloses a method of authoring digitized audio/video recordings (p.1 3rd paragraph last line, p. 2 1st paragraph, p.3) comprising the steps of previewing an audio/video data recording to identify scenes to be included in at least one version of the recording, a scene being a group of contiguous video frames (p. 4 1st bullet "Movie Capture", p.5 #2), identifying the scenes (p.5 #3 & #5), selecting a title by which to identify the at least one version of the recording (p.5 last paragraph), and associating the identified scenes with the selected title (p.5 last paragraph, p.6 1st & 3rd paragraph).

As to claim 7, Sengstack teaches a computer program product on a computer readable medium (it's well known that Adobe Premiere is software that is implemented on a computer) for authoring digitized audio/video recordings (p.1 3rd paragraph last line, p. 2 1st paragraph, p.3) comprising code means for previewing an audio/video data recording to identify scenes to be included in at least one version of the recording, a scene being a group of contiguous video frames (p. 4 1st bullet "Movie Capture", p.5 #2),

code means for identifying the scenes (p.5 #3 & #5), code means for selecting a title by which to identify the at least one version of the recording (p.5 last paragraph), and code means for associating the identified scenes with the selected title (p.5 last paragraph, p.6 1st & 3rd paragraph).

As to claim 13, Sengstack teaches a system for authoring digitized audio/video recordings (p.1 3rd paragraph last line, p. 2 1st paragraph, p.3) comprising, at least one storage system for storing code data (p. 13 2nd paragraph) and at least one processor for processing the code data (p. 12, p. 13 lines 1-2) to preview an audio/video data recording to identify scenes to be included in at least one version of the recording, a scene being a group of contiguous video frames (p. 4 1st bullet "Movie Capture", p.5 #2), identifying the scenes (p.5 #3 & #5), selecting a title by which to identify the at least one version of the recording (p.5 last paragraph), and associating the identified scenes with the selected title (p.5 last paragraph, p.6 1st & 3rd paragraph).

As to claim 2, 8, and 14, Sengstack teaches a method of claim 2, wherein an encoding system is used to convert an analog audio/video recording into digitized audio/video recording (p.8, p.9).

As to claim 3, 9, and 15, Sengstack teaches wherein the previewed recording, including the selected title, is recorded on a DVD (p.10 1st paragraph, p.11 last line).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 10-12, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sengstack (Sams Teach Yourself Adobe Premiere 6.5 in 24 Hours) in view of Neubert et al (Elements of a New Authoring System for Digital Video Disk).

As to claims 4, 10, and 16, Sengstack teaches previewing the recording. Sengstack does not teach using an emulator to preview the recording. Neubert teaches wherein an emulator is used to preview the recording (p. 762 3rd column 4th paragraph p. 764 3rd column 2nd paragraph). It would have been obvious to one skilled in the art at the time the invention was made to have combine Sengstack's teachings of previewing the recording with the emulator of Neubert. Neubert discusses the motivation to have an emulator for previewing the recording, by stating that the checking section, which included an emulator, is important and should be included to assure media compatibility with all relevant standards and with DVD players of all makes and models.

As to claims 5, 11, and 15, Sengstack teaches associating the identified scenes with the selected title. Sengstack does not teach that function occurring in the emulator. Neubert teaches an emulator p. 762 3rd column 4th paragraph p. 764 3rd column 2nd paragraph) in an authoring system. It would have been obvious to one skilled in the art at the time the invention was made to have combined the Sengstack's function of associating the identified the scenes with the selected title with Neubert's emulator. Neubert discusses the motivation to have an emulator with which associates the identified scenes with the selected title by, stating that the checking section, which

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included an emulator, is important and should be included to assure media compatibility with all relevant standards and with DVD players of all makes and models.

As to claims 6, 12, and 18, Sengstack teaches associating the identified scenes with the selected title occurs in an authoring system. Note the discussion above, Adobe Premiere is a software program, which concentrates on DVD authoring. Applicant states that authoring a recording is to provide one or more titles that an end-user may use to play recording and to combine and link the titles to video, audio, and still image data. That concludes that identifying scenes with a selected title is part of the authoring system and therefore is already addressed above as being taught by Sengstack with Adobe Premiere.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uno et al (U.S. Patent No. 6289166 B1) teaches playback of optical disk such as the DVD-ROM in which data can be programmed or rewritten is developed and an apparatus for recording/playing back data on or from the optical disk is actively developed. Loui et al. (PG Pub. No. US 20030206729) teaches multimedia image authoring software application operating under the operating system for composing and an authoring image slideshow using at least one image transmitted to the imaging system from the digital imaging device and controlling the recording of the image slideshow on the multimedia enabled disc. Oda et al (U.S. Patent No. 6,044,199) teaches an authoring system constituted so that when an audio signal and a video

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signal are encoded by an encoder and converted to one system of serial data, operation can be smoothly executed by simple constitution.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Jones whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Jones
08/18/2006


CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER

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